

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE MUNICIPAL CODE BY ADDING CHAPTER 14.46 (BUILDING SEWER INSPECTIONS) AND REPEALING SECTIONS 14.40.005, 14.40.050, AND 14.44.170 OF TITLE 14, AND AMENDING SECTION 28.87.220 OF CHAPTER 28.87 OF THE SANTA BARBARA MUNICIPAL CODE PERTAINING TO A SEWER INSPECTION PROGRAM, OTHER SEWER REQUIREMENTS AND WITH RESPECT TO ZONING INFORMATION REPORTS.

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION ONE. Title 14 of the Santa Barbara Municipal Code is amended by adding a new chapter, Chapter 14.46 with respect to properly maintained Building Sewer Laterals, which chapter reads as follows:

14.46.010 Definitions.

Unless the context indicates otherwise, the following definitions apply to the use of the following terms for the purposes of this Chapter 14.46:

A. BUILDING SEWER LATERAL. That part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system, or other point of disposal. For the purposes of this Chapter, a Building Sewer Lateral shall also include a Septic Tank if one exists upon the Property and it is in use.

B. BUILDING SEWER INSPECTION. An inspection of a Building Sewer Lateral that consists of the retention of a licensed plumber (as certified under Section 14.46.050) by the Owner in order to visually examine and inspect a Building Sewer Lateral in the manner deemed appropriate by the City Public Works Director. Such an inspection shall, at a minimum, include the use of a closed-circuit television inspection device for the

purposes of determining whether the Building Sewer Lateral complies with the requirements of this Chapter, the Regulation adopted under Section 14.46.080, and any applicable state laws.

C. COMMERCIAL PROPERTY. Any real property not used for residential purposes and not a Common Interest Development.

D. COMMON INTEREST DEVELOPMENT. A development characterized by individual ownership of a condominium housing unit or a residential parcel coupled with the shared ownership of (or right to use) common areas and facilities including, but not limited to, condominium projects, community apartment projects, stock cooperatives and planned unit developments which contains three (3) or more dwelling units and which has a Building Sewer Lateral shared by three (3) more dwelling units.

E. NOTICE TO REPAIR. The notice issued by the City Public Works Director to the Owner advising that the Owner appears to be in violation of the Santa Barbara Municipal Code with respect to the Owner's Building Sewer Lateral or in violation of the Code in the manner of Building Sewer Laterals connection to the City sewer system which order directs the abatement of the identified apparent violation in a timely manner.

F. OWNER. Any person, partnership, association, corporation or fiduciary having legal title (or any partial interest) in any real property situated within the City.

G. SEPTIC TANK. As the term is defined in Santa Barbara Municipal Code Section 14.34.100.

14.46.020 Maintenance of Private Building Sewer Laterals.

A. MAINTENANCE OF BUILDING SEWER LATERALS. Each Owner shall maintain his or her Building Sewer Lateral(s) free of displaced joints, open joints, root intrusion, substantial deterioration of the line, cracks, leaks, inflow, or infiltration of extraneous water, root intrusion, grease and sediment deposits, or any other similar conditions, defects, or obstructions likely to cause or increase the chance for blockage of the Building Sewer Lateral.

B. MAINTENANCE OF SEPTIC TANK. Each Owner shall maintain his or her Septic Tank free of deterioration, corrosion, damage, disposal failure or any other similar deficiencies or defects likely to increase failure of the Septic Tank.

C. GENERAL MAINTENANCE REQUIREMENTS. The maintenance obligation imposed by this Section shall be in addition to and supplemental of the general private sewer system maintenance obligations imposed by Section 14.44.160 of this Code.

14.46.030 Building Sewer Inspections - Access to Premises.

The Public Works Director or the City Health Officer (or any designated representative thereof) is hereby authorized to inspect any Building Sewer Lateral in use within the City and connected to the City sewer system for the following purposes:

1. To determine the size, depth, and location of any sewer connection.
2. To determine the end outlet of any sewer connection by depositing harmless testing materials in any plumbing fixture attached thereto and flushing the same, if necessary.
3. To determine, by measurements and samples, the quantity and nature of the sewage or waste water being discharged into any sewer.
4. To determine the location of the roof, swimming pool, floor and surface drains and whether or not they physically connect to a sewer.

Nothing herein shall be deemed to provide the Public Works Director (or the Director's designee) with any right or authority to enter a building or other apparently private or interior area of a real property, except to the extent such entry is expressly authorized by state law.

14.46.040 Mandatory Building Sewer Inspections.

A. HEALTH AND SAFETY BASIS FOR REQUIRING A BUILDING SEWER LATERAL INSPECTION. An Owner shall have the Building Sewer Lateral of his or her real property inspected in accordance with the requirements of this Chapter (as directed and within the time period indicated by the Public Works Director) upon the occurrence of any of the following events:

1. **Overflow or Malfunction.** Whenever the Public Works Director has sufficient evidence (as determined by the Director) that the Building Sewer Lateral has recently overflowed or has recently malfunctioned;

2. Lateral Failure or Lack of Maintenance. Whenever, based on sewer system testing conducted by the City (of either the Building Sewer Lateral or the City's public sewer system), the Public Works Director finds that there is sufficient evidence to conclude that the Building Sewer Lateral has failed, is likely to fail, or has not been properly maintained.

3. Public Health Threat. Upon any other reasonable cause to believe that there is a threat to the public health, safety, or welfare due to the condition of a Building Sewer Lateral.

B. EVENTS REQUIRING A BUILDING SEWER LATERAL INSPECTION - RESIDENTIAL PROPERTIES. An Owner shall have the Building Sewer Lateral of his or her residential Property inspected in accordance with the requirements of this Chapter upon the occurrence of any of the following events:

1. Home Additions. Prior to the issuance of a City building permit for a residential building addition or new improvements on the real property in excess of four (400) hundred square feet of habitable space as that phrase is defined in the Uniform Building Code;

2. New Plumbing Fixtures. Prior to the issuance of a City building permit for two or more new plumbing fixtures attached to the Building Sewer Lateral upon the residential Property.[For the purposes of this section, the phrase "new plumbing fixtures" shall refer only to an increase in the number of plumbing fixtures in use on the real property prior to the application for a building permit for the "new" plumbing fixtures.]

C. SCHEDULE FOR LATERAL INSPECTIONS - NON-RESIDENTIAL AND COMMON INTEREST DEVELOPMENT REAL PROPERTIES.

1. Non-Residential Properties. An Owner or Owners of a non-residential property within the City shall have that Property's Building Sewer Lateral(s) inspected in accordance with the requirements of this Chapter once every ten (10) years beginning January 1st of the year following the adoption of the Ordinance first enacting this Chapter. Within each ten (10) year period of time, such lateral inspections shall occur in accordance with and not later than the City-wide area map and schedule attached to this

Chapter as Exhibit 1 in the order and by district as established on Exhibit 1 and dated as of September 26, 2006. [For the purposes of this section, a property which has a mixture of allowed residential and non-residential uses shall be considered a non-residential property with respect to its compliance with the sewer lateral inspection requirements of this section.]

2. Common Interest Developments. The Owner or Owners of a Common Interest Development shall have that Property's Building Sewer Lateral(s) inspected in accordance with the requirement of this Chapter once every ten (10) years beginning January 1st of the second year following the enactment of the Ordinance first enacting this Chapter. Within each ten (10) year period of time, such lateral inspections shall occur in accordance with and not later than the City-wide area map and schedule attached to this Chapter as Exhibit 1 and dated as of September 26, 2006 in the order and by district as established on Exhibit 1. [An official full size color copy shall remain on file in the City Clerk's office.]

D. EXCEPTION TO INSPECTION FOR RECENT PRIOR INSPECTIONS AND REPAIRS. The following are exceptions to the Inspection requirements of subparagraphs (B) and (C) above:

1. PRIOR REPLACEMENT OF SEWER LATERAL. An Owner otherwise required to perform a Building Sewer Lateral inspection under Section 14.46.040(B) or (C) hereof shall not be required to perform such an inspection if the Owner (or the Owner's predecessor-in-interest) has originally installed or has replaced his or her Property's Building Sewer Lateral within a twenty (20) year prior to the date of the application for a building permit.

2. PRIOR INSPECTION OR REPAIR OF A BUILDING SEWER LATERAL. An Owner otherwise required to perform an inspection under Section 14.46.040(B) or (C) shall not be required to perform such an inspection if the Owner has either completed a remedial inspection (conducted in accordance with the Inspection requirements of this Chapter) or completed a permitted repair of the Building Sewer Lateral within the three (3) years prior to the date the inspection would otherwise be required.

14.46.050 Requirements for a Proper Building Sewer Lateral Inspection Report.

A. INSPECTION REPORT STANDARDS. The Building Sewer Inspection Reports required by this Chapter shall be prepared in accordance with the following requirements and specifications:

1. The Inspection Report shall be prepared by a licensed plumber;
2. The Inspection Report shall identify all of the following:
 - a. Any of the following conditions: displaced joints, open joints, root intrusion, substantial deterioration of the line, cracks, leaks, inflow or infiltration of extraneous water, root intrusion, grease and sediment deposits or other conditions likely to increase the chance for blockage of the Building Sewer.
 - b. Whether any connection, by pipes or otherwise, allows rainwater or groundwater to enter the Building Sewer or public sewer.
 - c. Whether the Building Sewer has an installed backwater device where any outlet or trap of the Building Sewer is below the level of the nearest manhole. If a backwater device is already installed, the report shall indicate whether the backwater device is functioning properly.
 - d. Where the Building Sewer includes a Septic Tank, the report shall identify the extent to which the Septic Tank is deteriorated, corroded, damaged, whether the disposal field has failed or any other relevant deficiency.
3. The Inspection Report shall contain an express certification from the certified inspector that the property has been inspected for any outdoor drain connection to the City sewer system and that no such unpermitted connection is present. It shall also contain either a videotape or DVD of the video inspection of the Building Sewer Lateral in a format acceptable to the City, as established by the City regulations.

B. COMPLIANCE WITH REGULATIONS. The Inspection Report shall, in all other aspects, comply with the requirements and specifications described in the Public Works Director's specifications for a Building Sewer Lateral Inspection Report as established by the regulations authorized under Section 14.46.080 hereof.

14.46.060 Required Building Sewer Lateral Repairs.

A. NOTICE TO REPAIR. Upon receipt of the Building Sewer Inspection report pursuant to this Chapter, the Public Works Director (or his or her designee) will determine whether it indicates any deficiencies in the operation of the Building Sewer Lateral and, thereafter, shall provide the Owner(s) with a Notice to Repair or Replace as may be deemed appropriate by the Director. The Notice to Repair/Replace shall specifically identify the deficiencies to be corrected and shall establish a deadline within which the Owner(s) shall complete the required corrective actions. The corrective action may include a requirement that the lateral be replaced altogether and also may include the installation of cleanouts and backwater valves if those devices are otherwise required by this Code or any uniform code adopted by the City.

B. OBLIGATIONS OF THE OWNER. The Owner shall repair his or her Building Sewer Lateral to the satisfaction of the Public Works Director, and, if a building permit is required for the repairs, the Owner shall obtain a final permit inspection and approval of the City Building Official.

C. REPAIRS UPON OTHER PROPERTIES NOT REQUIRED. If a Building Sewer Lateral traverses private property other than the Owner's Property, the Owner shall only be responsible for the repairs to that portion of the Building Sewer Lateral that are upon the Owner's Property and also to that portion of the Building Sewer within a public right-of-way.

14.46.070 Common Interest Developments.

The homeowners association of a Common Interest Development shall, along with the Owner, be jointly and severally liable for the duties and obligations imposed by this Chapter 14.46 in relation to any Building Sewer Lateral located within in a common area of the Development. If no home owners association exists, then the individual unit owners, both jointly and individually, shall be liable for the duties and obligations

with respect to Building Sewer Laterals established by this Chapter.

14.46.080 Administrative Guidelines for Inspections.

Within Ninety (90) days of the adoption of the ordinance enacting this Chapter, the Public Works Director shall prepare and promulgate to the public administrative guidelines which shall, among other things, establish the following:

1. A certification program for licensed plumbers who will be accepted by the City to perform Inspections and the basis for obtaining and maintaining such a certification or for a decertification;
2. Develop a standard Inspection report form and specifications for Building Sewer Inspection reports; and
3. Establish a Notice format and standard enforcement timelines for the Notice to Repair and for repair and inspection service of that Notice in a manner consistent with the requirements of due process. Such administrative guidelines shall be approved by a resolution of the City Council.

SECTION TWO. Chapter 14.40 of Title 14 of the Santa Barbara Municipal Code is amended by repealing Sections 14.40.005 and 14.40.050.

SECTION THREE. Chapter 14.44 of Title 14 of the Santa Barbara Municipal Code is amended by repealing Section 14.44.170.

SECTION FOUR. Section 28.87.220 of Chapter 28.87 of Title 28 of the Santa Barbara Municipal Code is hereby amended to read as follows:

28.87.220 Zoning Information Reports.

1. STATEMENT OF LEGISLATIVE INTENT.

These regulations are intended to require a Zoning Information Report for purchasers of residential property, setting forth matters of City record pertaining to the authorized use, occupancy, zoning and the results of a physical inspection of the property. Primary purpose of the report is to provide information to the potential buyer of residential property concerning the zoning and permitted use of the property.

2. DEFINITIONS.

a. "Owner" shall mean any person, co-partnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property.

b. "Residential property" shall mean any improved real property, designed or permitted to be used for any residential purpose, situated in the City and shall include the building or structures located on said improved real property.

c. "Agreement of sale" shall mean any agreement or written instrument which provides that title to any property shall thereafter be transferred for consideration from one (1) owner to another owner.

3. REPORT REQUIRED.

a. **Application.** No later than five (5) days after entering into an "agreement of sale" of any residential property, the owner or owner's authorized representative shall make application to the City for a Zoning Information Report to the Community Development Director on a form provided, and pay a fee as established by resolution of the City Council.

Under normal circumstances the report will be available no later than fifteen (15) working days after the application is received by the Community Development Director.

b. **Copy to Buyer.** Said owner or owner's authorized representative shall provide a copy of the report to the buyer or buyer's authorized representative no later than three (3) days prior to consummation of the transfer of title. The buyer or buyer's authorized representative may waive in writing the requirement for delivery three (3) days prior to consummation of the transfer of title but in any event the report shall be provided to the buyer or buyer's authorized representative prior to the consummation of the transfer of title.

c. **Proof of Receipt.** Proof of receipt of a copy of the report shall be obtained by the owner or owner's authorized representative prior to consummation of the transfer of title. Said proof shall consist of a statement signed by the buyer or buyer's authorized representative stating that the report has been received, the date of the report and the date it was received. City shall provide a receipt form with each zoning

information report. The original of the signed proof of receipt shall be mailed or delivered to the Community Development Director of the City no later than the consummation of the transfer of title.

4. CONTENTS OF ZONING INFORMATION REPORT.

The Community Development Director shall review the applicable City records and provide the applicant the following information on the Zoning Information Report:

- a. Street address and parcel number of the property.
- b. The zone classification and permitted uses as set forth in the Zoning Ordinance of the City of Santa Barbara.
- c. Occupancy and use permitted as indicated and established by records.
- d. Variance, special use permits, conditional use permits, modifications and other administrative acts of record.
- e. Any special restrictions in use or development which are recorded in City records and may apply to the property.
- f. Any known nonconformities or violations of any ordinances or law.
- g. The results of a physical inspection for compliance with the Zoning Ordinance and for compliance with Chapter 14.46 of this Code.
- h. A statement of whether the real property has had a Building Sewer Lateral Report prepared for the real property pursuant to the requirements of Santa Barbara Municipal Code Chapter 14.46 within the five (5) year period prior to the preparation of the Zoning Information Report and, if so, that a copy of the Building Sewer Lateral Report is available from the City for the buyer's inspection. All Zoning Information Reports shall also contain an advisory statement (in bold not less than 10 point typeface) prepared by the Public Works Director which advises a purchaser of residential real property regarding the potential problems and concerns caused by an inadequate, failing, or poorly maintained Building Sewer Lateral. In addition, the standard required advisory statement shall

indicate the advisability of a purchaser obtaining a recently prepared Building Sewer Lateral Inspection Report.

5. VIOLATION OF LAW NOT PERMITTED.

Any report issued pursuant to this section shall not constitute authorization to violate any ordinance or law, regardless of whether the report issued pursuant to this section purports to authorize such violation or not.

6. EXPIRATION OF REPORT.

Each report shall be valid for a period of twelve (12) months after date of issue or until a transfer of title occurs, whichever is sooner.

7. EXEMPTION.

The provisions of this section shall not apply to the first sale of a residential building located in a subdivision whose final map has been approved and recorded in accordance with the Subdivision Map Act not more than two (2) years prior to the first sale.

8. EFFECT OF NONCOMPLIANCE.

The failure to comply with the provisions of this Section shall not invalidate the transfer or conveyance of real property to a bona fide purchaser or encumbrancer for value.

SECTION FIVE. The requirements of subsection (B) of Santa Barbara Municipal Code Section 14.46.040, as codified by the adoption of this Ordinance, shall not be applicable until January 1, 2007.